



09/915, 216.

*Cofl*

PATENT  
Attorney Docket No. ADI-074  
(257/40)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Berger et al.  
PATENT NO.: 6,817,112  
ISSUE DATE: November 16, 2004 ASSIGNEE: adidas International B.V.  
TITLE: Climate Configurable Sole and Shoe

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Mail Stop Certificate of Corrections Branch Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26th day of January, 2005.

  
Elizabeth Pitula

Mail Stop Certificate of Corrections Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

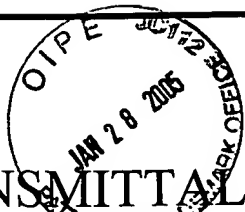
Sir:

Submitted herewith are:

1. Transmittal Form (1 pg.);
2. Request for Certificate of Correction (14 pgs.);
3. Certificate of Correction and Formal Drawings (in duplicate)(20 pgs. total); and
4. Return receipt postcard.

Certificate  
FEB 03 2005  
of Correction

# TRANSMITTAL FORM



Application Serial Number	09/915,216
Filing Date	July 25, 2001
First Named Inventor	Berger
Group Art Unit	3728
Examiner Name	A.D. Stashick
Attorney Docket No.	ADI-074
Patent No.	6,817,112
Issue Date	November 16, 2004

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form  <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]  <input type="checkbox"/> Petition for Extension of Time  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application  <input type="checkbox"/> Formal Drawing(s)  <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal  <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> CD(s) for large table or computer program  <input type="checkbox"/> Amendment After Allowance <input checked="" type="checkbox"/> Request for Certificate of Correction <input checked="" type="checkbox"/> Certificate of Correction and Formal Drawings (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences  <input type="checkbox"/> Appeal Brief (in triplicate)  <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input type="checkbox"/> Additional Enclosure(s) (please identify below)
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### CORRESPONDENCE ADDRESS

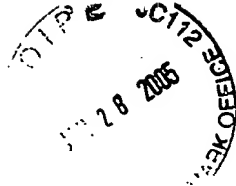
Direct all correspondence to: Patent Administrator  
 Testa, Hurwitz & Thibault, LLP  
 125 High Street  
 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
 Fax No.: (617) 248-7100

### SIGNATURE BLOCK

Date: January 26, 2005  
 Reg. No. 51,842  
 Tel. No.: (617) 310-8671  
 Fax No.: (617) 248-7100

Respectfully submitted,

Andrew L. Jagenow  
 Attorney for Applicant  
 Testa, Hurwitz & Thibault, LLP  
 125 High Street  
 Boston, MA 02110



**PATENT**  
Atty. Docket No: ADI-074  
(257/40)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S): Berger et al.

PATENT NUMBER: 6,817,112

ISSUE DATE: November 16, 2004      ASSIGNEE: adidas International B.V.

TITLE: Climate Configurable Sole and Shoe

Certificate of Corrections Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION UNDER  
35 U.S.C. § 254 and 37 C.F.R. § 1.322**

The Assignee of record of the above-referenced patent, adidas International B.V., hereby requests that a Certificate of Correction be issued for U.S. Patent No. 6,817,112 under 35 U.S.C. § 254 and 37 C.F.R. § 1.322. Errors are present in the following sections of the issued patent: Foreign Application Priority Data, U.S. Patent Documents, Foreign Patent Documents, and Figures. The Assignee believes that these errors warrant issuance of a Certificate of Correction.

On the cover page, in the Foreign Application Priority Data, "100 36 100" should be deleted and replaced with --100 36 100.5--. A copy of the Updated Filing Receipt, dated November 6, 2001, is attached as Exhibit A. The correct priority document data has been highlighted. Accordingly, Assignee respectfully requests correction pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322.

On the cover page, in the U.S. Patent Documents section, please add the following U.S. patents references that were considered during prosecution of the application:

905,617	12/1908	Wood
2,408,792	10/1946	Margolin
2,474,815	07/1949	Brahm
3,273,265	09/1966	Reinert et al.
5,400,526	03/1995	Sessa
5,675,914	10/1997	Cintron
6,041,518	03/2000	Polycarpe
6,389,711	05/2002	Polegato
6,401,364	06/2002	Burt
6,446,359	09/2002	Tomat

These references were cited by the Examiner, in Paper No. 8, during prosecution of the application that matured into U.S. Patent No. 6,817,112. A copy of Form PTO-892, a part of Paper No. 8, is attached as Exhibit B. Every reference cited was omitted from the issued patent. Accordingly, Assignee respectfully requests correction pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322.

On the cover page, in the Foreign Patent Documents section, please delete the reference “0350 511 B1” and replace with --0350 611 B1--. All other information regarding that reference is correct. This reference was submitted in the Fourth Supplemental Information Disclosure Statement and subsequently considered by the Examiner on January 23, 2004. A copy of the initialed Form PTO-1449 is attached as Exhibit C. The incorrectly identified reference has been highlighted. Accordingly, Assignee respectfully requests correction pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322.

U.S. Patent No. 6,817,112 issued with informal drawings. The formal drawings were filed on October 11, 2001. A copy of the return receipt postcard stamped by the Patent Office is attached as Exhibit D. Copies of the formal drawings are included with the PTO Form 1050.

A computer-generated copy of PTO Form 1050 is enclosed and corrects the errors appearing in the above-referenced Letters Patent.

Assignee believes that the errors detailed above represent Patent Office mistakes correctable pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322. Accordingly, Assignee urges the Commissioner to issue a Certificate of Correction for U.S. Patent No. 6,817,112 reflecting the corrections as they appear on the enclosed PTO Form 1050.

Assignee believes that no fee is required, as the errors are due to Patent Office mistakes. Should this belief be in error, please charge any additional fees to deposit account number 20-0531.

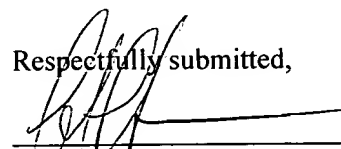
The PTO Form 1050 is submitted in duplicate.

The Patent Office is invited to call the undersigned representative with any questions concerning the submission.

Date: January 26, 2005  
Reg. No.: 51,842

Tel. No.: (617) 310-8671  
Fax No.: (617) 248-7100

Respectfully submitted,



---

Andrew L. Jagenow  
Attorney for Assignee  
Testa, Hurwitz & Thibault, LLP  
125 High Street  
Boston, Massachusetts 02110

## **Exhibit A**



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/915,216	07/25/2001	3728	996	ADI-074 (257/40)	9	27	2

021323  
TESTA, HURWITZ & THIBEAULT, LLP  
HIGH STREET TOWER  
125 HIGH STREET  
BOSTON, MA 02110

CONFIRMATION NO. 5641

## UPDATED FILING RECEIPT



\*OC000000007030541\*

Date Mailed: 11/06/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Christoph Berger, Egloffstein, GERMANY;  
Gerd Rainer Manz, Weisendorf, GERMANY;

COPY

## Domestic Priority data as claimed by applicant

## Foreign Applications

GERMANY 10036100.5 07/25/2000

If Required, Foreign Filing License Granted 09/14/2001

Projected Publication Date: 02/14/2002

Non-Publication Request: No

Early Publication Request: No

## Title

Climate configurable sole and shoe

## Preliminary Class

036

No Docketing Necessary

KM  
Administrator

11-13-01  
Date

Reviewed &amp; Approved

g v j  
Resp. Atty

11/15/01  
Date

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## **Exhibit B**

**Notice of References Cited**

Application/Control No.

09/915,216

Applicant(s)/Patent Under  
Reexamination  
BERGER ET AL.

Examiner

Anthony D Stashick

Art Unit

3728

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,041,518	03-2000	Polycarpe, Phito	36/3A
	B	US-6,389,711	05-2002	Polegato, Mario	36/3B
	C	US-5,675,914	10-1997	Cintron, Arthur G.	36/29
	D	US-6,401,364	06-2002	Burt, Igor	36/3A
	E	US-2,474,815	07-1949	Brahm	36/3B
	F	US-6,446,359	09-2002	Tomat, Andrea	36/28
	G	US-3,273,265	09-1966	Reinert et al.	36/28
	H	US-905,617	12-1908	Wood	36/3B
	I	US-2,408,792	10-1946	Margolin	36/3B
	J	US-5,400,526	03-1995	Sessa, Raymond V.	36/3B
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

## **Exhibit C**



FOURTH SUPPLEMENTAL FORM PTO - 1449

ATTORNEY DOCKET NO.: ADI-074 (257/40)

## INFORMATION DISCLOSURE STATEMENT

APPLICANTS: Berger et al.

COPY

SERIAL NO.: 09/915,216

FILING DATE: July 25, 2001 GROUP: 3728

## U.S. PATENT DOCUMENTS

EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
A02	A63	41,879	03/08/1864	Webb			
	A64	60,987	01/08/1867	Ayer			
	A65	387,335	08/07/1888	Barker			
	A66	556,825	03/24/1896	King			
	A67	570,814	11/03/1896	Owen			
	A68	1,535,207	04/28/1925	Dorff			
	A69	1,616,254	02/01/27	Suárez			
	A70	1,797,309	03/24/31	Wojciechowski			
	A71	2,434,024	01/06/48	Vlasak			
	A72	2,457,944	01/04/49	Vlastos			
	A73	2,614,339	10/21/52	Herceg			
	A74	2,751,692	06/26/56	Cortina			
	A75	3,383,782	05/21/68	McGinnity			
	A76	3,863,272	02/04/75	Guille			
	A77	4,134,955	01/16/79	Hanrahan, Jr. et al.			
	A78	4,297,796	11/03/81	Stirtz et al.			
	A79	4,222,183	09/16/80	Haddox			
	A80	4,654,982	04/07/87	Lee			
	A81	4,776,110	10/11/88	Shiang			
	A82	4,835,883	06/06/89	Tetrault et al.			
	A83	4,864,738	09/12/89	Horovitz			
	A84	4,894,932	01/23/90	Harada et al.			
	A85	4,896,440	01/30/90	Salaverria			
	A86	4,899,465	04/09/96	Bleimhofer et al.			
	A87	4,899,467	02/13/90	Mackey			
	A88	4,993,173	02/19/91	Gardiner			
	A89	5,235,761	08/17/93	Chang			
A92	A90	5,295,312	03/22/94	Blumberg et al.			

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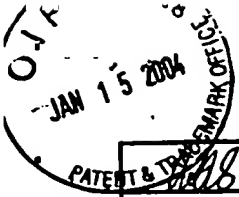
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JAN 15 2004  
PATENT & TRADEMARK OFFICE

A91	5,342,070	08/30/94	Miller et al.						
A92	5,499,459	03/19/96	Tomaro						
A93	5,505,011	04/09/96	Bleimhofer						
A94	5,619,809	04/15/97	Sessa						
A95	5,664,343	09/09/97	Byrne						
A96	5,685,091	11/11/97	Yalamanchili						
A97	5,697,171	12/16/97	Phillips						
A98	5,699,627	12/23/97	Castro						
A99	5,826,349	10/27/98	Goss						
A100	5,852,884	12/29/98	Miotto						
A101	5,955,172	09/21/99	Hurten						
A102	5,996,250	12/07/99	Reed et al.						
A103	6,006,447	12/28/99	Neal et al.						
A104	6,012,236	01/11/00	Pozzobon						
A105	6,032,388	03/07/00	Fram						
A106	6,041,519	03/28/00	Cheng						
A107	6,044,577	04/04/00	Clark						
A108	6,085,444	07/01/00	Cho						
A109	6,196,556	03/06/01	Bonaventure et al.						
A110	6,416,610	07/09/02	Matis et al.						
A111	6,446,360	09/10/02	Sheets et al.						
A112	6,562,271	05/13/03	Hiraoka et al.						
A113	6,594,918	07/22/03	Hatfield et al.						
A114	2002/0011009	01/31/02	Pan						
A115	2002/0012784	01/31/02	Norton et al.						
A116	2002/0078593	06/27/02	Pavelescu et al.						
A117	2002/0166262	11/14/02	Hernandez						
A118	2003/0136024	07/24/03	Su						

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JAN 20 2004  
FINDING CENTER R310D

## FOREIGN PATENT DOCUMENTS

EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLAS S	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG (Y/N)
QAS	B15	G 9208 875.9		DE				No	Yes
	B16	199 37 334		DE				Yes	Yes
	B17	41 28 704		DE				Yes	Yes
QAS	B18	0350 611 B1		EP				Yes	Yes



<i>0018</i>	B19	0857 433 A2		EP					Yes	Yes
<i>1</i>	B20	0927 524 A1		EP					No	Yes
<i>003</i>	B21	94/06317		WO					No	Yes
OTHER ART, JOURNAL ARTICLES, ETC.										
EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)									
EXAMINER	<i>Anthony Sturtevant</i>			DATE CONSIDERED <i>1/23/04</i>						

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TECHNOLOGY CENTER 1370

## **Exhibit D**

ADI-074  
(257/40)

The "RECEIVED" stamp of the Patent Office imprinted hereon acknowledges the filing of: Transmittal Form (1 pg.); Fee Transmittal Form (1 pg.); and a check in the amount of \$996.00; Copy of Notice to File Missing Parts (2 pg.); Executed Declaration and Power of Attorney (6 pgs.); Formal Drawings (9 pgs.); and this return receipt postcard all mailed under Certificate of First Class Mailing

Name of Applicant: Berger et al.  
Intf. or Serial Number: 09/915,216  
Atty: JVForcier  
Date: October 11, 2001



2188926

COPY



UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 6,817,112  
DATED : November 16, 2004  
INVENTOR(S) : Berger et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

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905,617	12/1908	Wood
2,408,792	10/1946	Margolin
2,474,815	07/1949	Brahm
3,273,265	09/1966	Reinert et al.
5,400,526	03/1995	Sessa
5,675,914	10/1997	Cintron
6,041,518	03/2000	Polycarpe
6,389,711	05/2002	Polegato
6,401,364	06/2002	Burt
6,446,359	09/2002	Tomat

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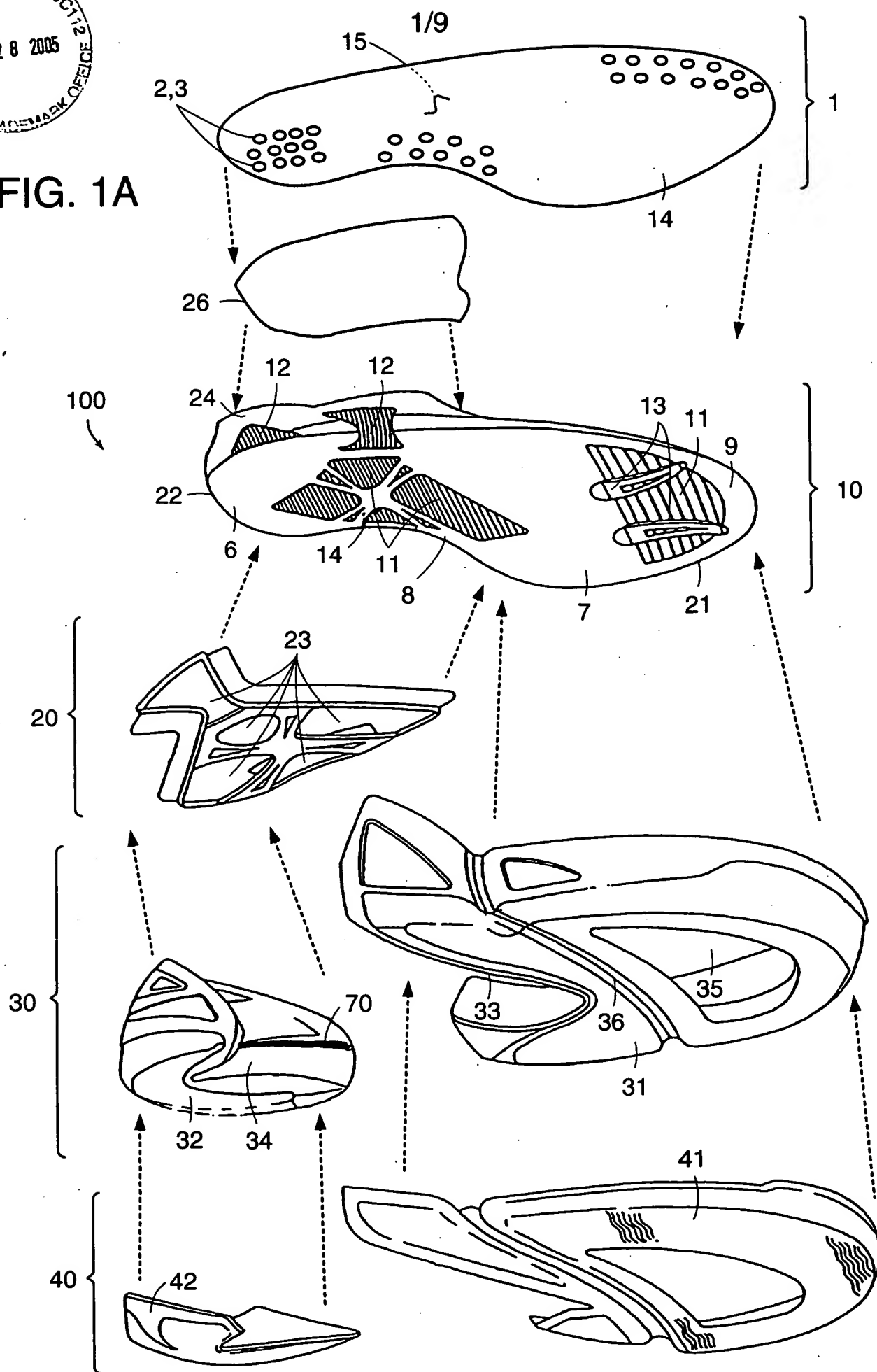
In the drawings, replace the published informal drawings with the attached nine sheets of formal drawings.

MAILING ADDRESS OF SENDER: Patent Administrator      PATENT NO.: 6,817,112  
Testa, Hurwitz & Thibault, LLP  
125 High Street  
Boston, MA 02110  
(617) 248-7000

3170125\_1

4 FEB 2005

FIG. 1A



JAN 28 2005  
JC112

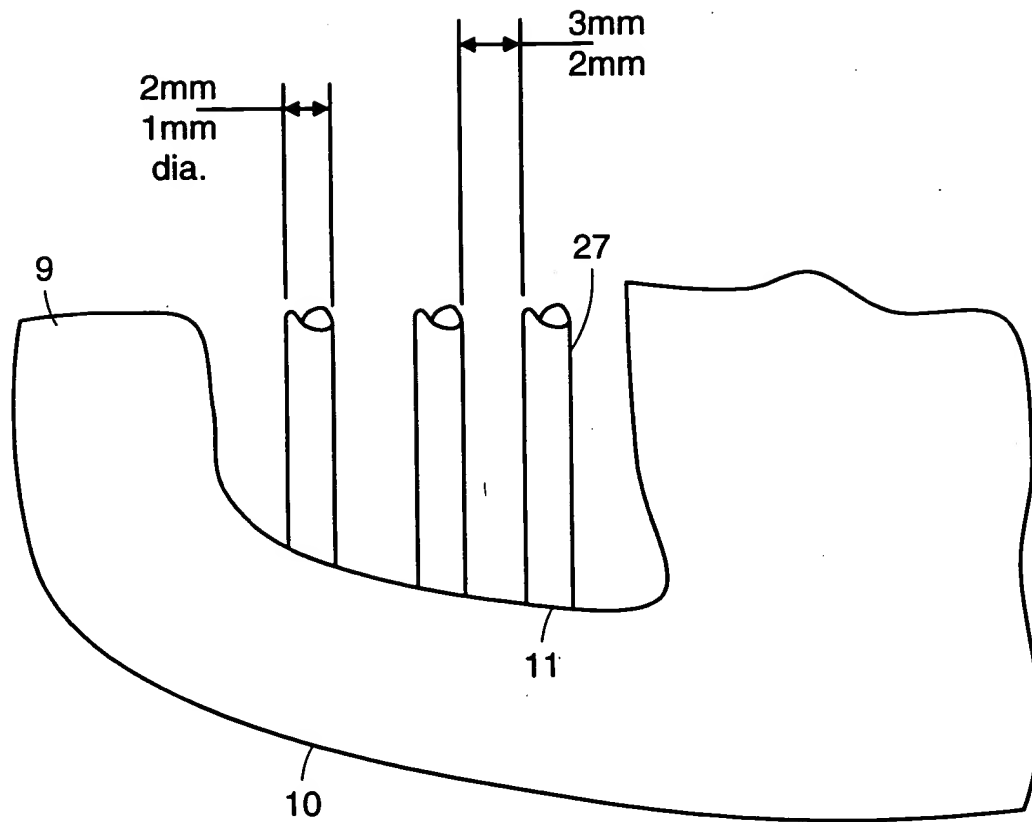


FIG. 1B

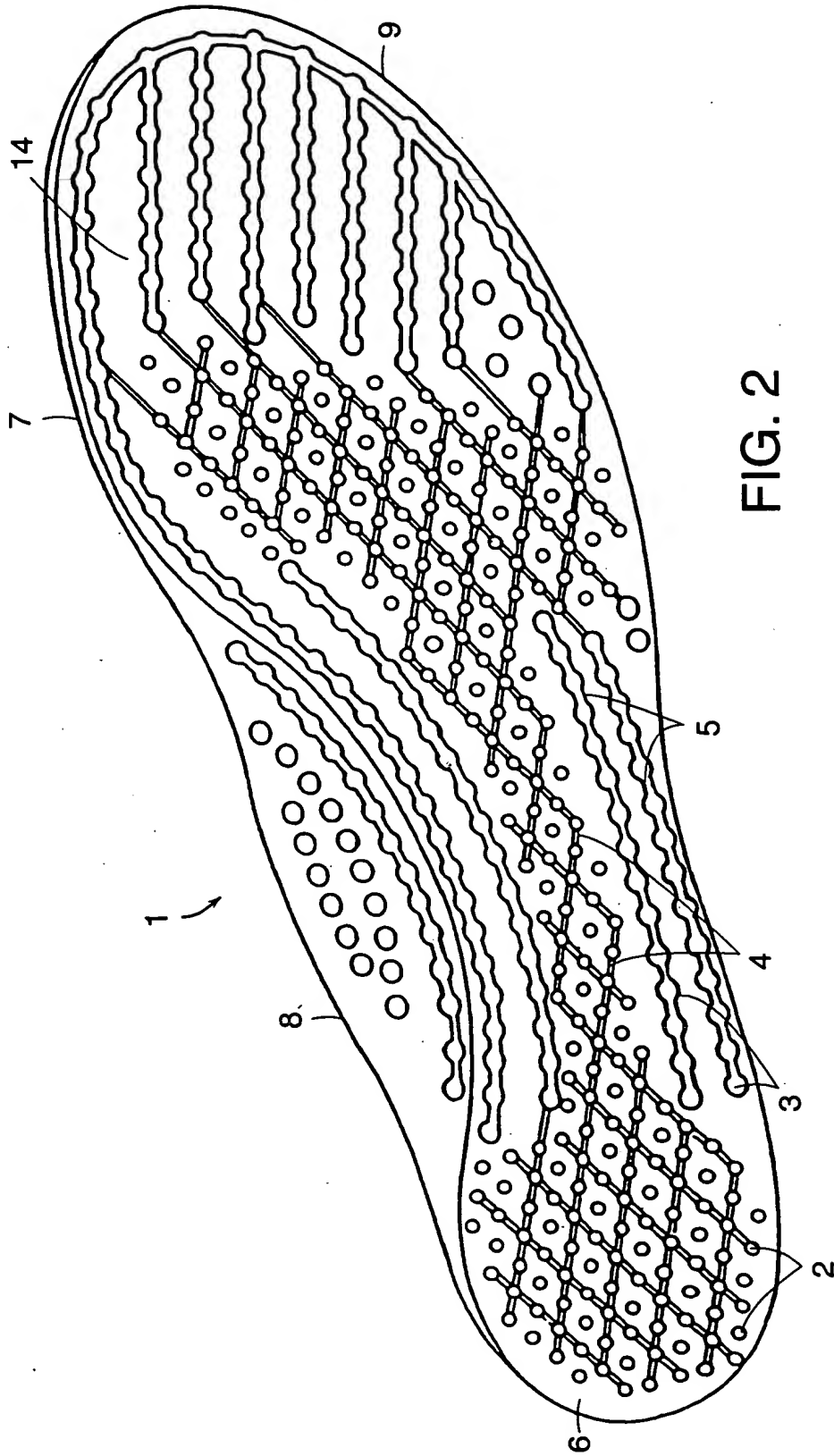


FIG. 2

FIG. 3

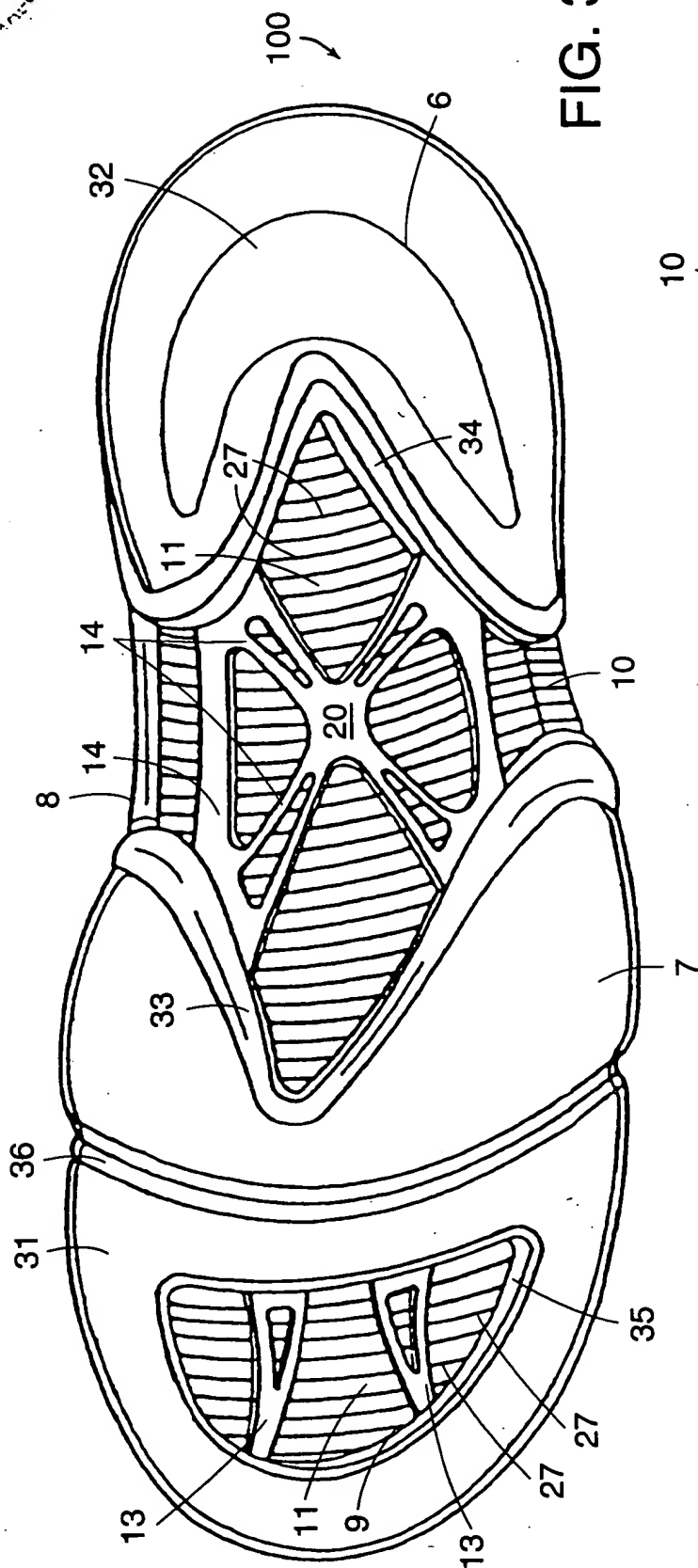
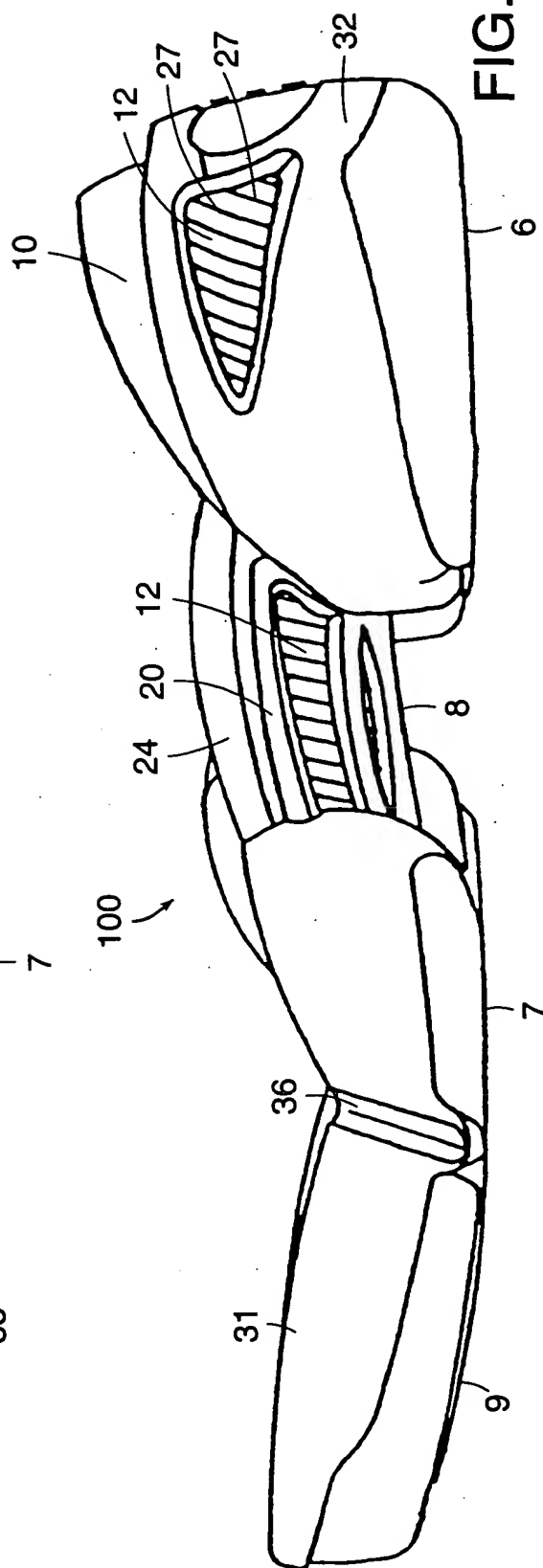


FIG. 4



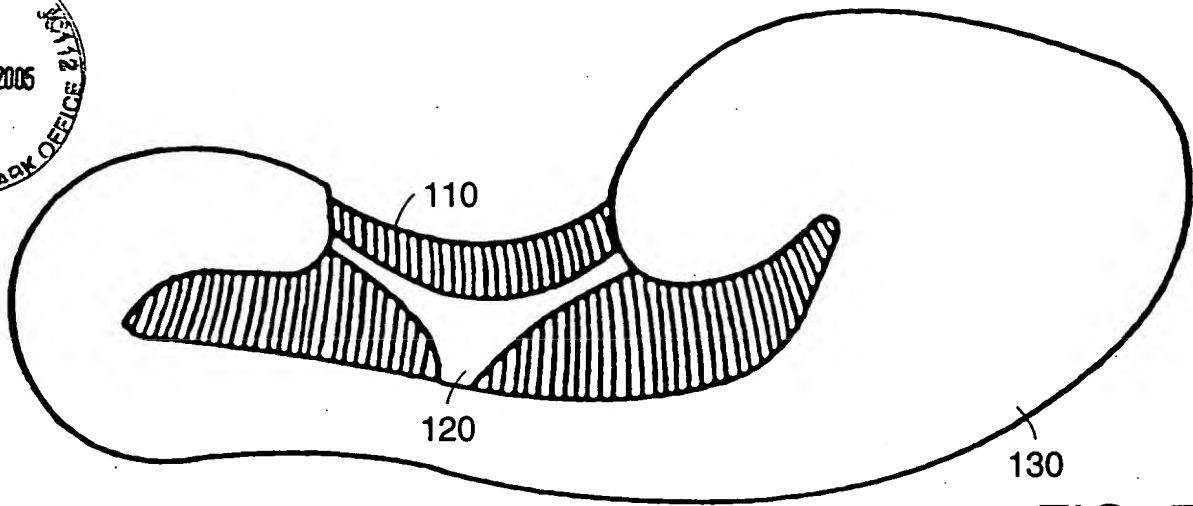
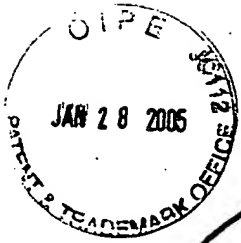


FIG. 5

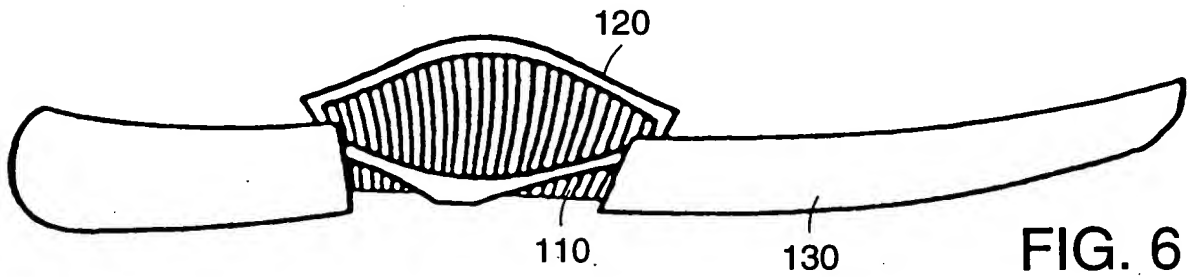


FIG. 6

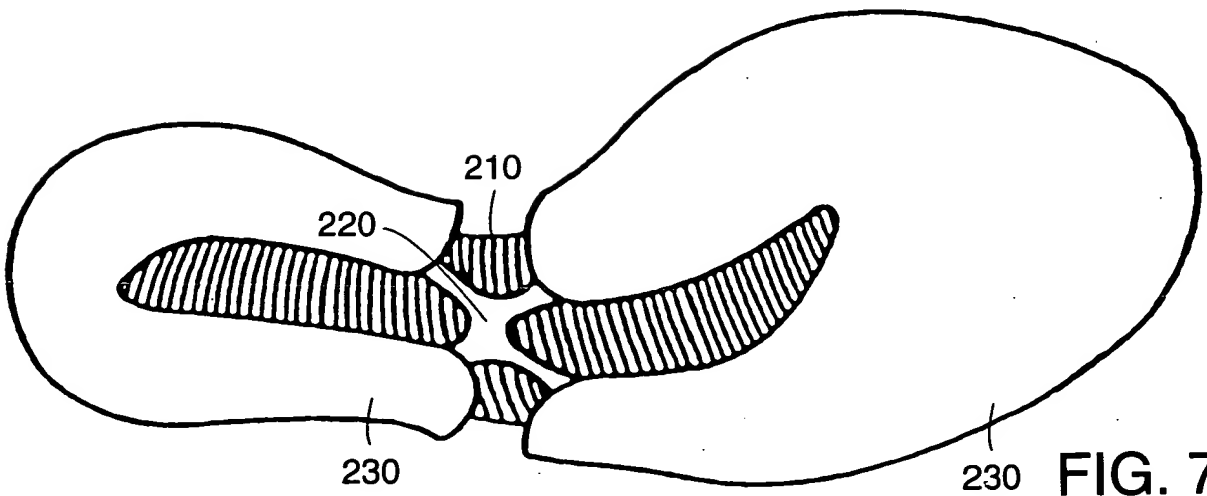


FIG. 7

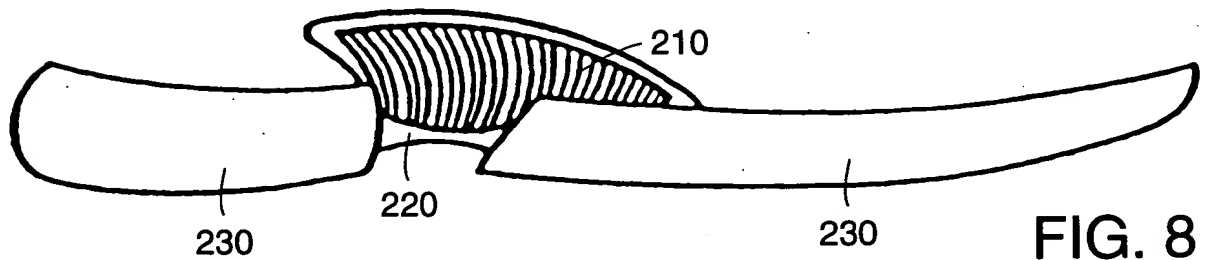
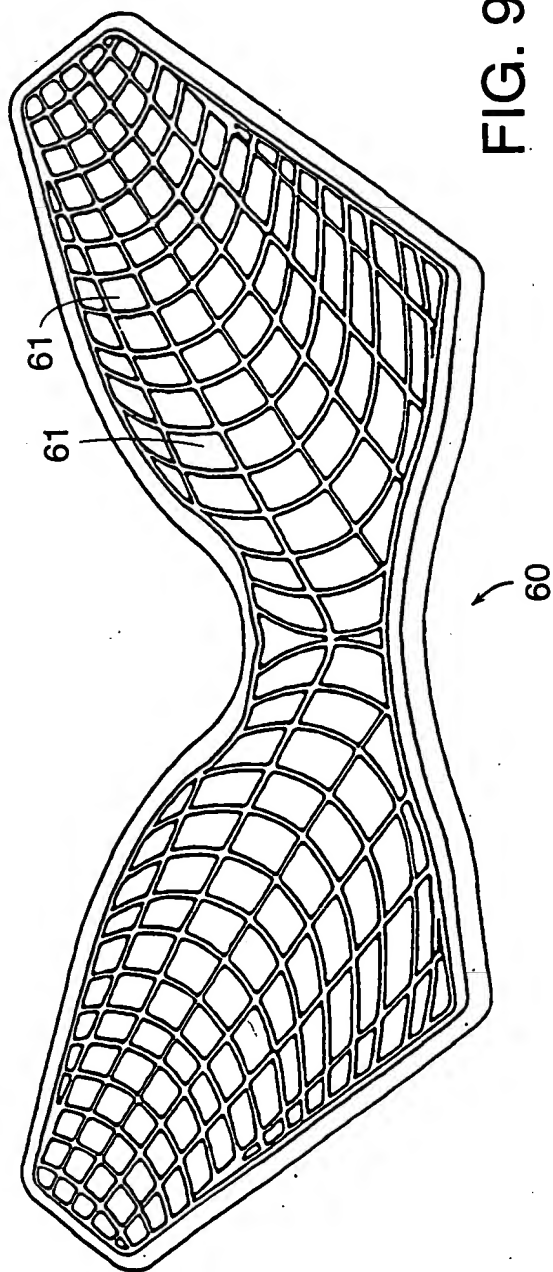
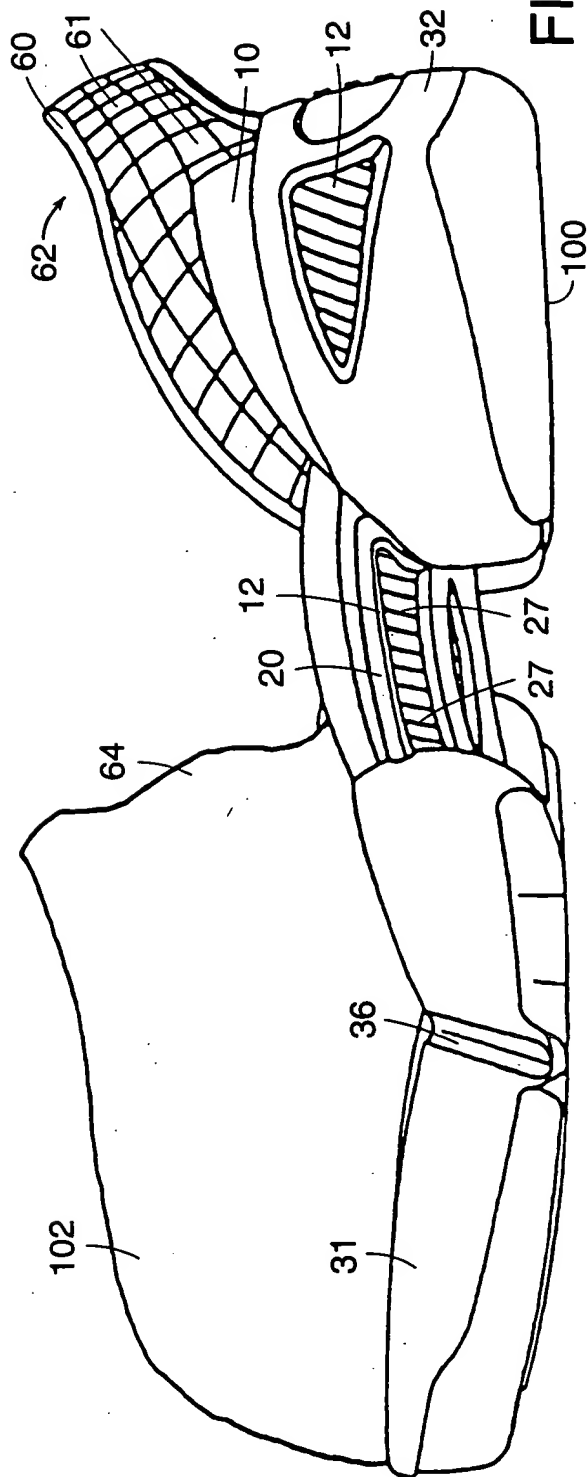


FIG. 8



101









SHOE WITH CLIMATE SOLE

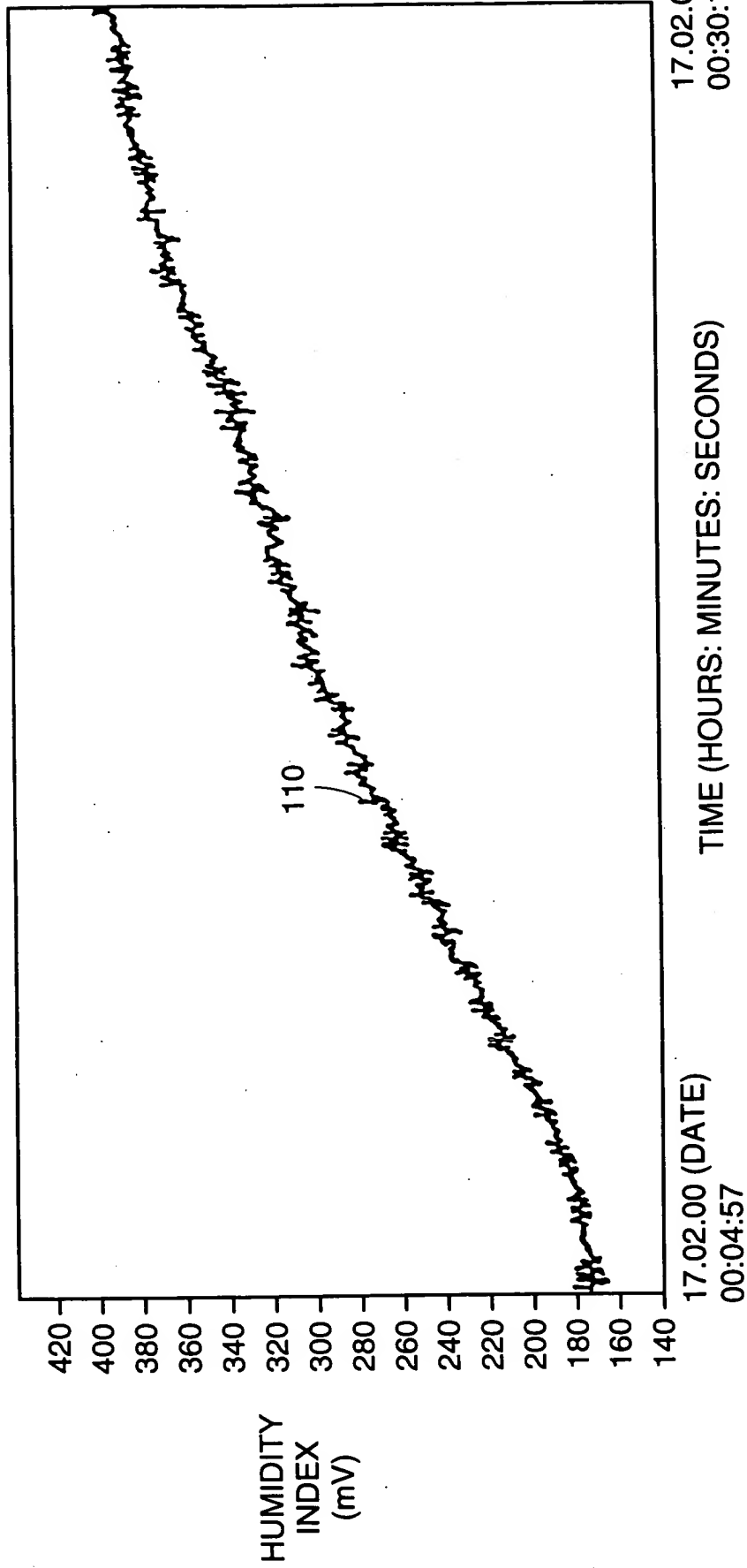


FIG. 12A



CONVENTIONAL SHOE

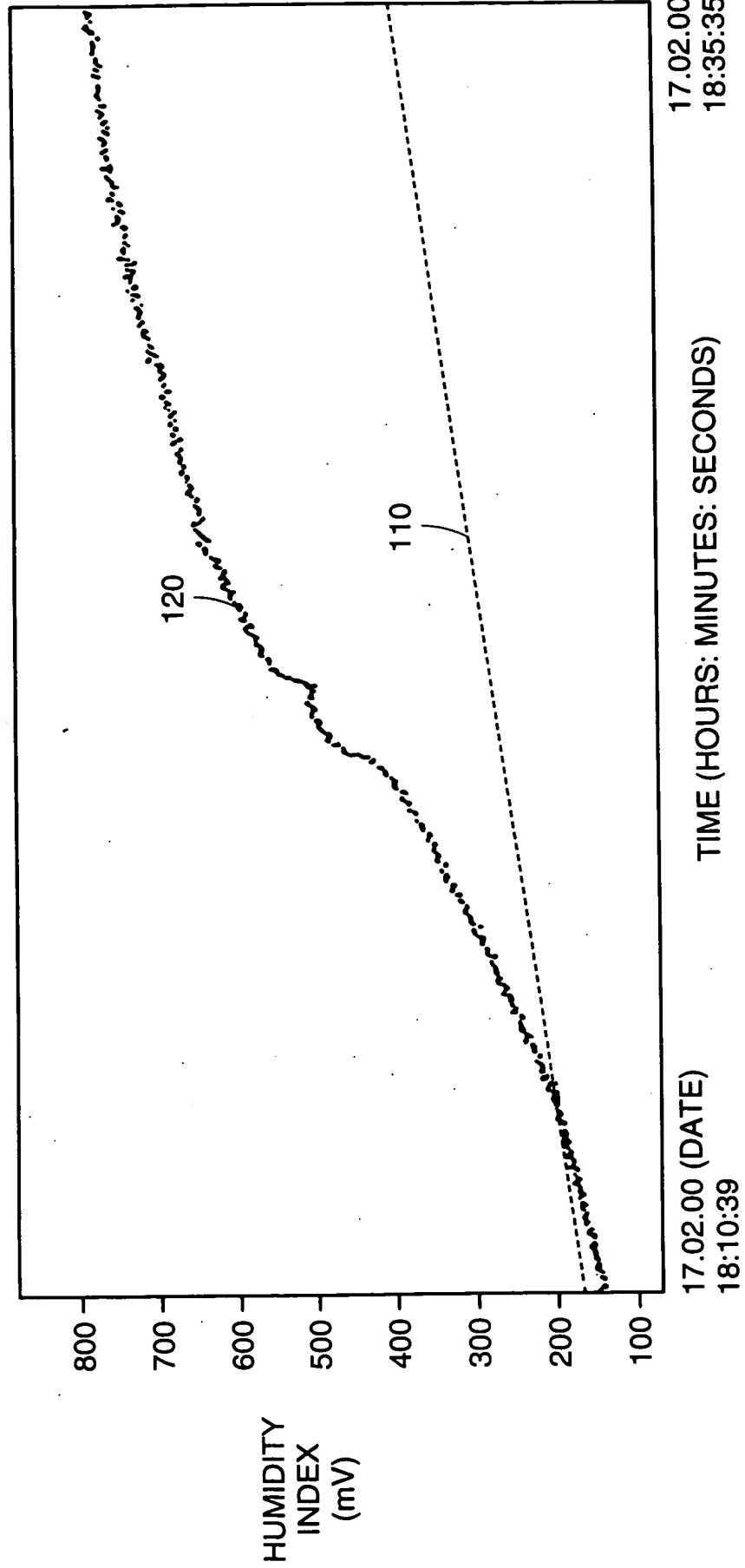


FIG. 12B

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 6,817,112  
DATED : November 16, 2004  
INVENTOR(S) : Berger et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page, in the Foreign Application Priority Data, delete "100 36 100" and replace with --100 36 100.5--.

On the cover page, in the U.S. Patent Documents section, add the following U.S. patents references:

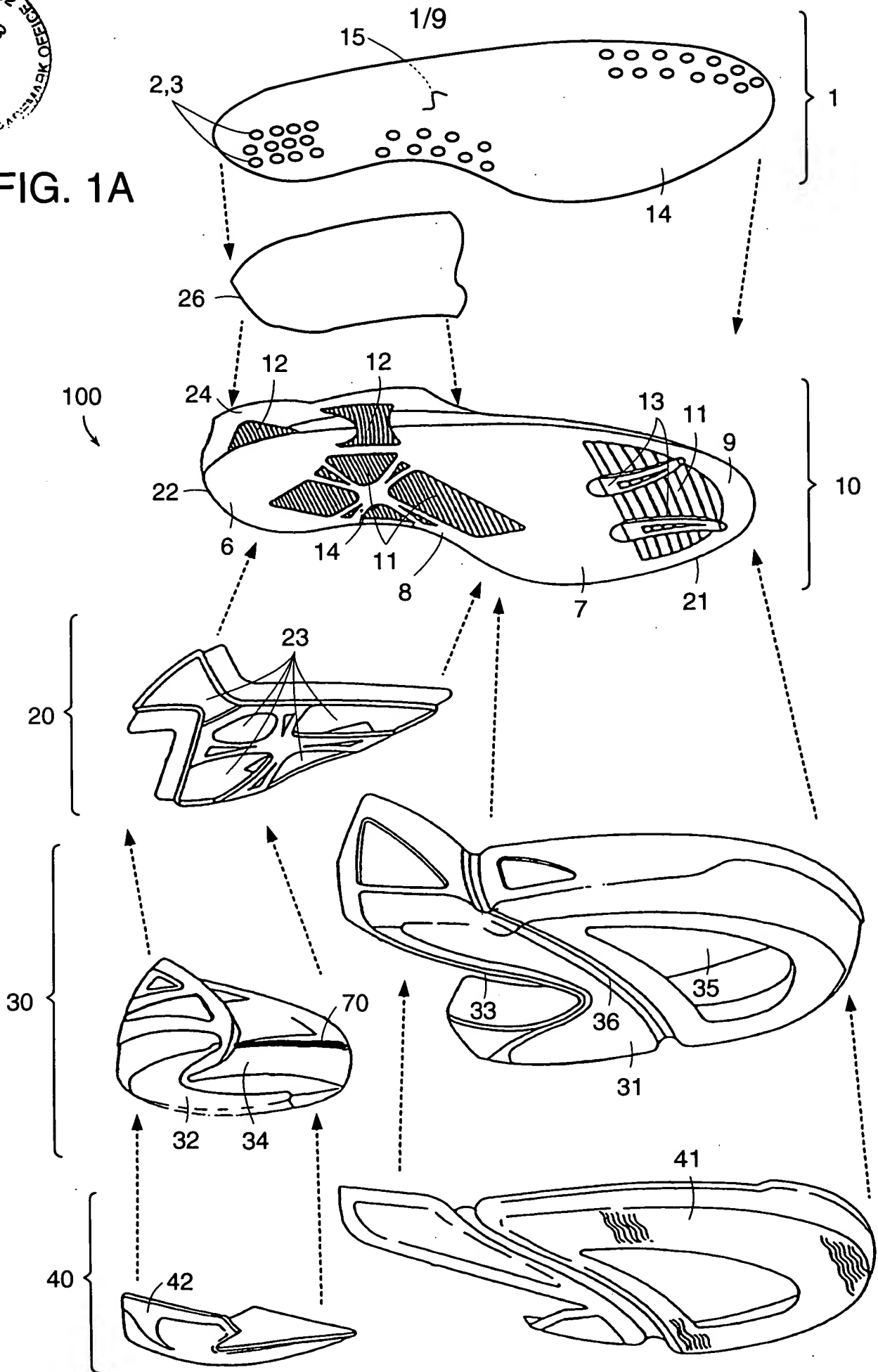
905,617	12/1908	Wood
2,408,792	10/1946	Margolin
2,474,815	07/1949	Brahm
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5,400,526	03/1995	Sessa
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6,041,518	03/2000	Polycarpe
6,389,711	05/2002	Polegato
6,401,364	06/2002	Burt
6,446,359	09/2002	Tomat

On the cover page, in the Foreign Patent Documents section, delete the reference "0350 511 B1" and replace with --0350 611 B1--.

In the drawings, replace the published informal drawings with the attached nine sheets of formal drawings.

MAILING ADDRESS OF SENDER: Patent Administrator      PATENT NO.: 6,817,112  
Testa, Hurwitz & Thibault, LLP  
125 High Street  
Boston, MA 02110  
(617) 248-7000

FIG. 1A



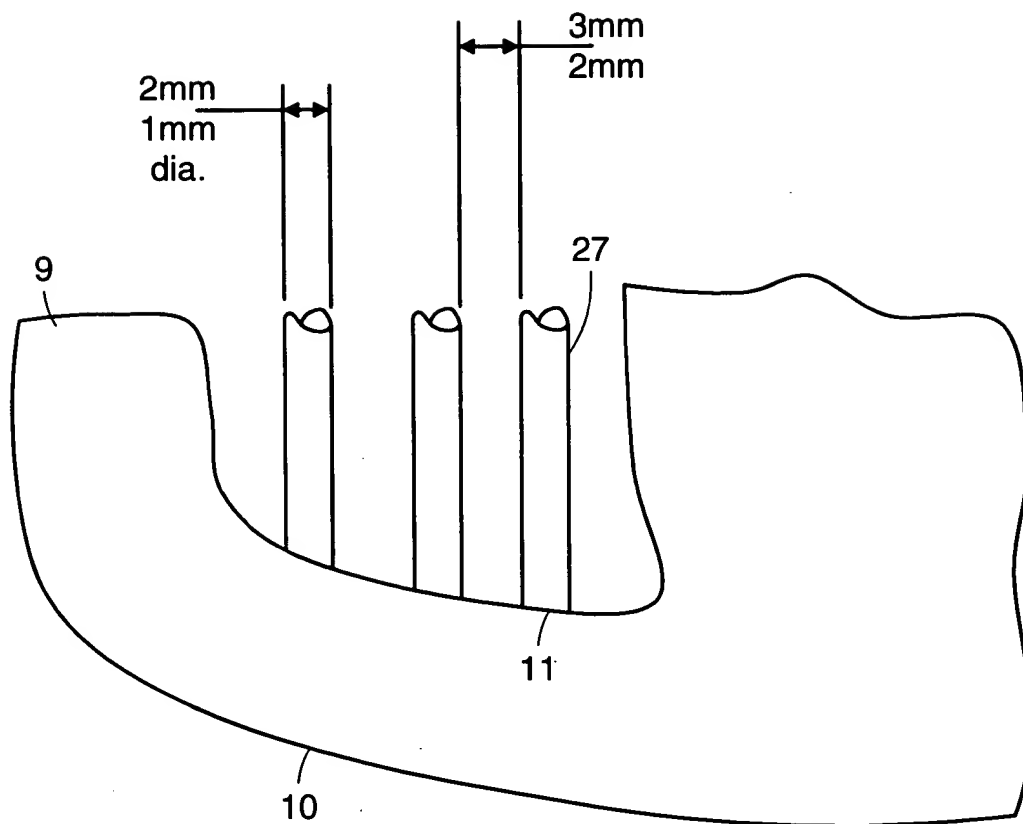


FIG. 1B



3/9

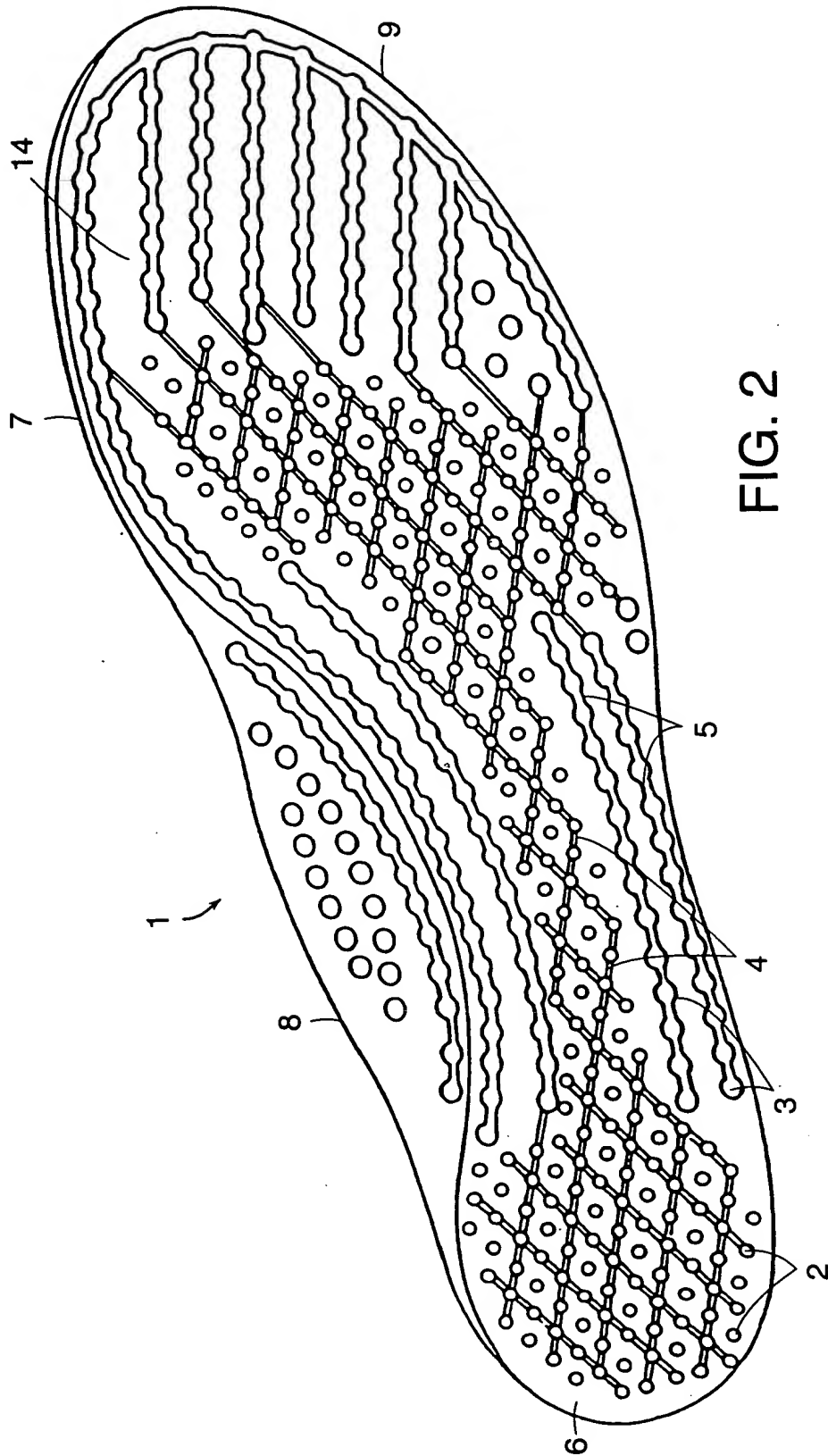


FIG. 2



FIG. 3

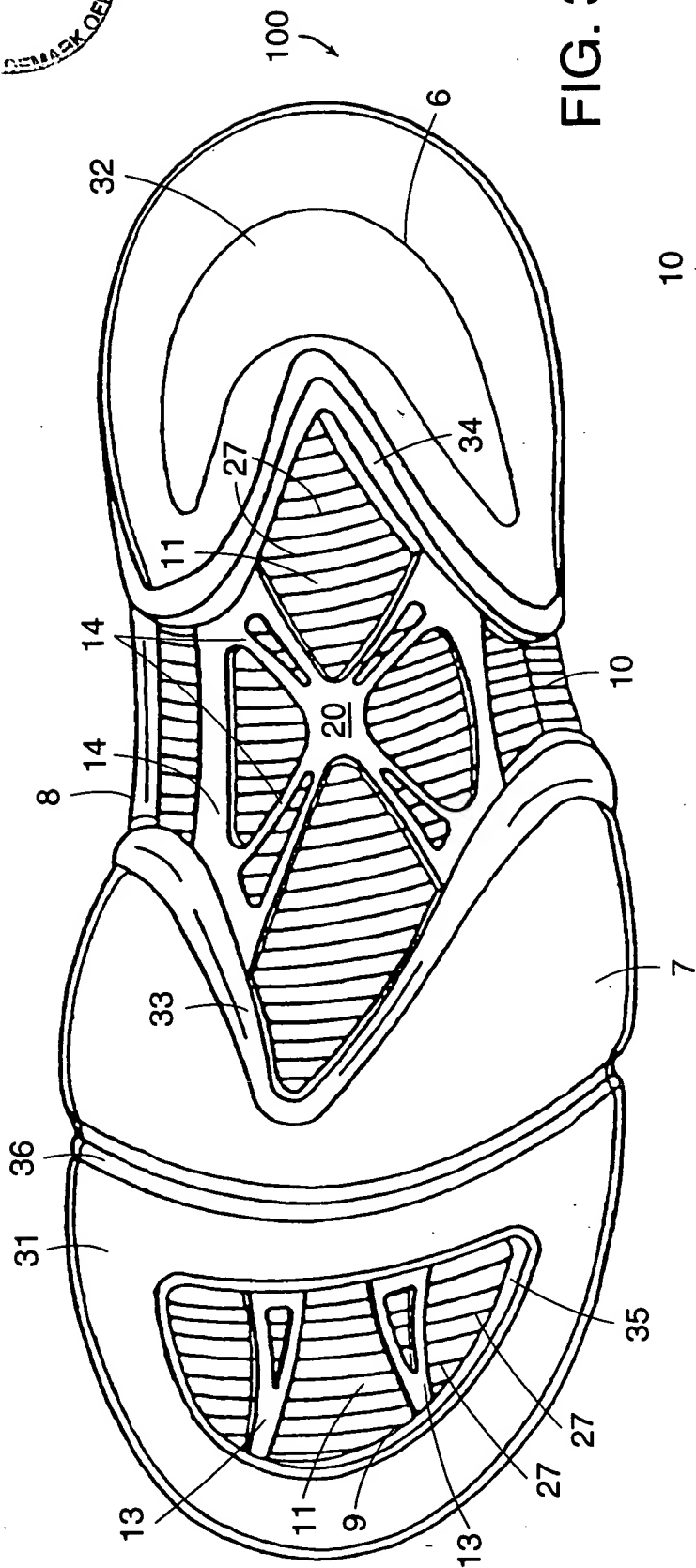
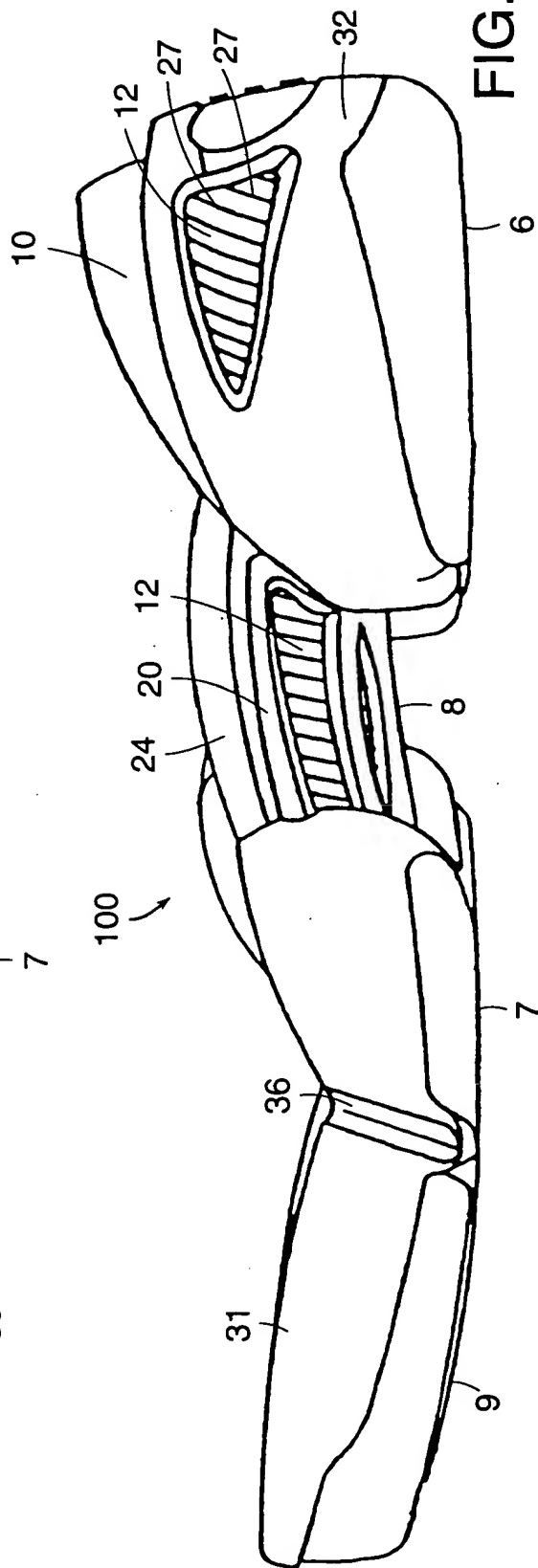


FIG. 4



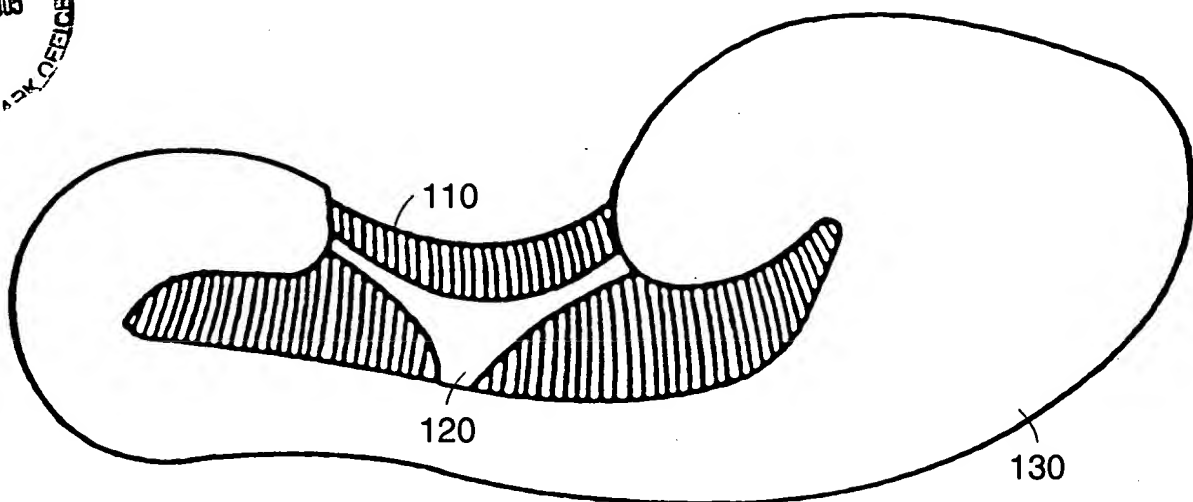


FIG. 5

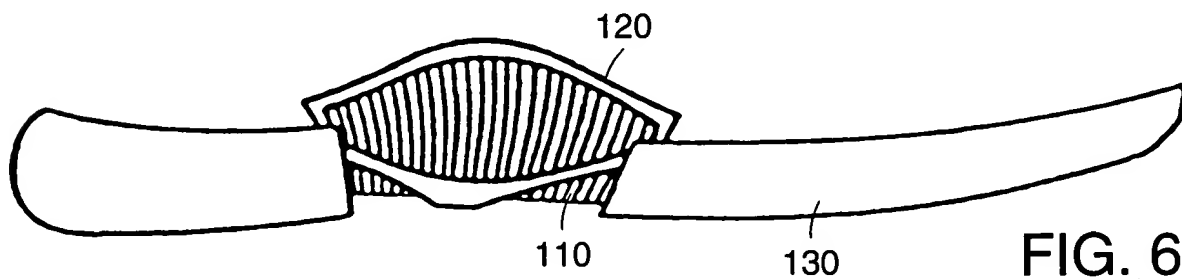


FIG. 6

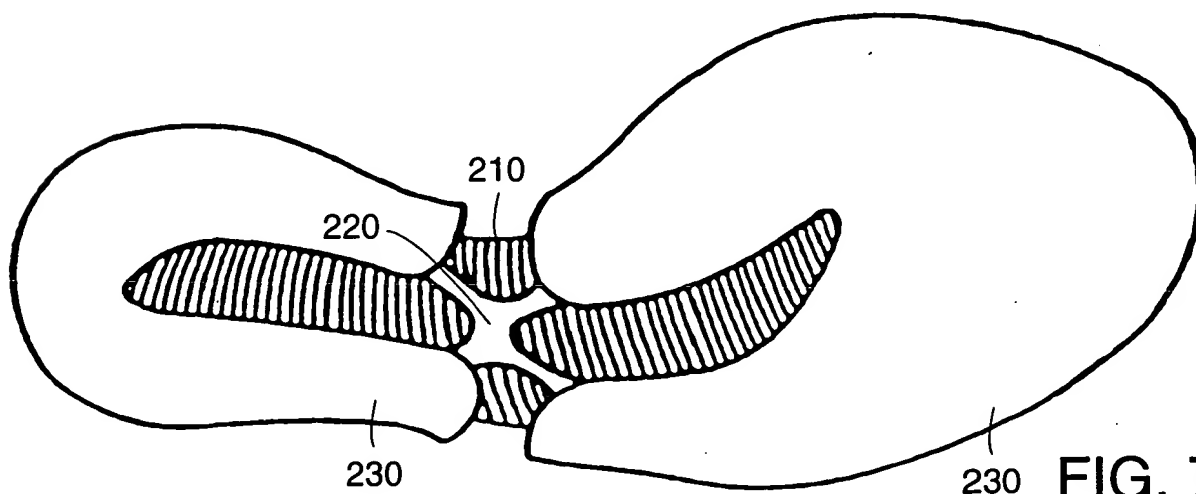


FIG. 7

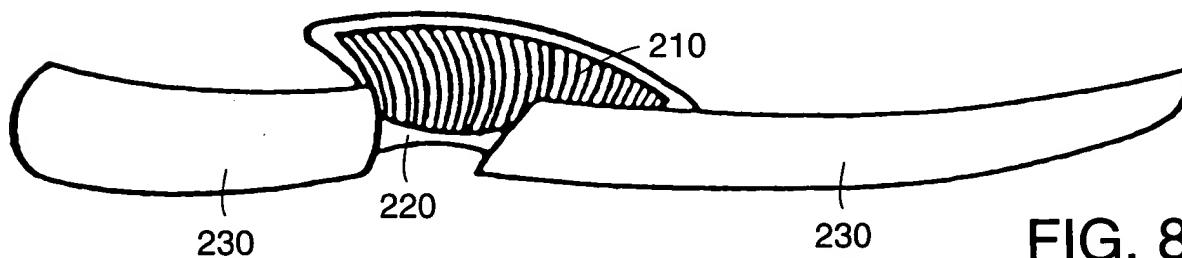


FIG. 8



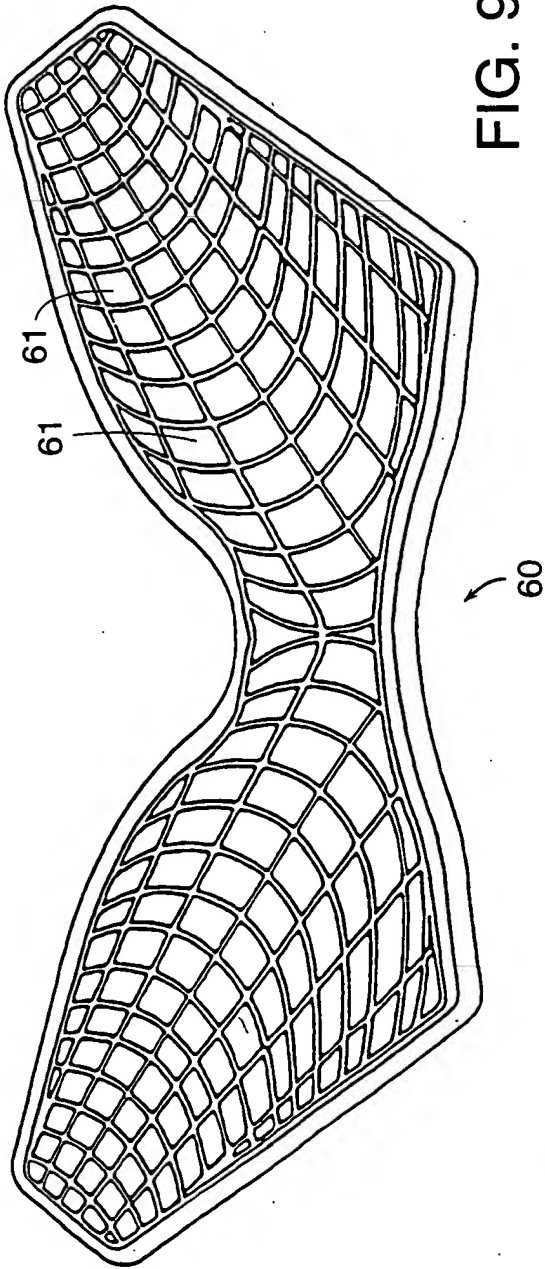
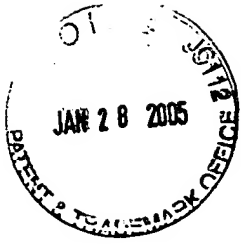


FIG. 9

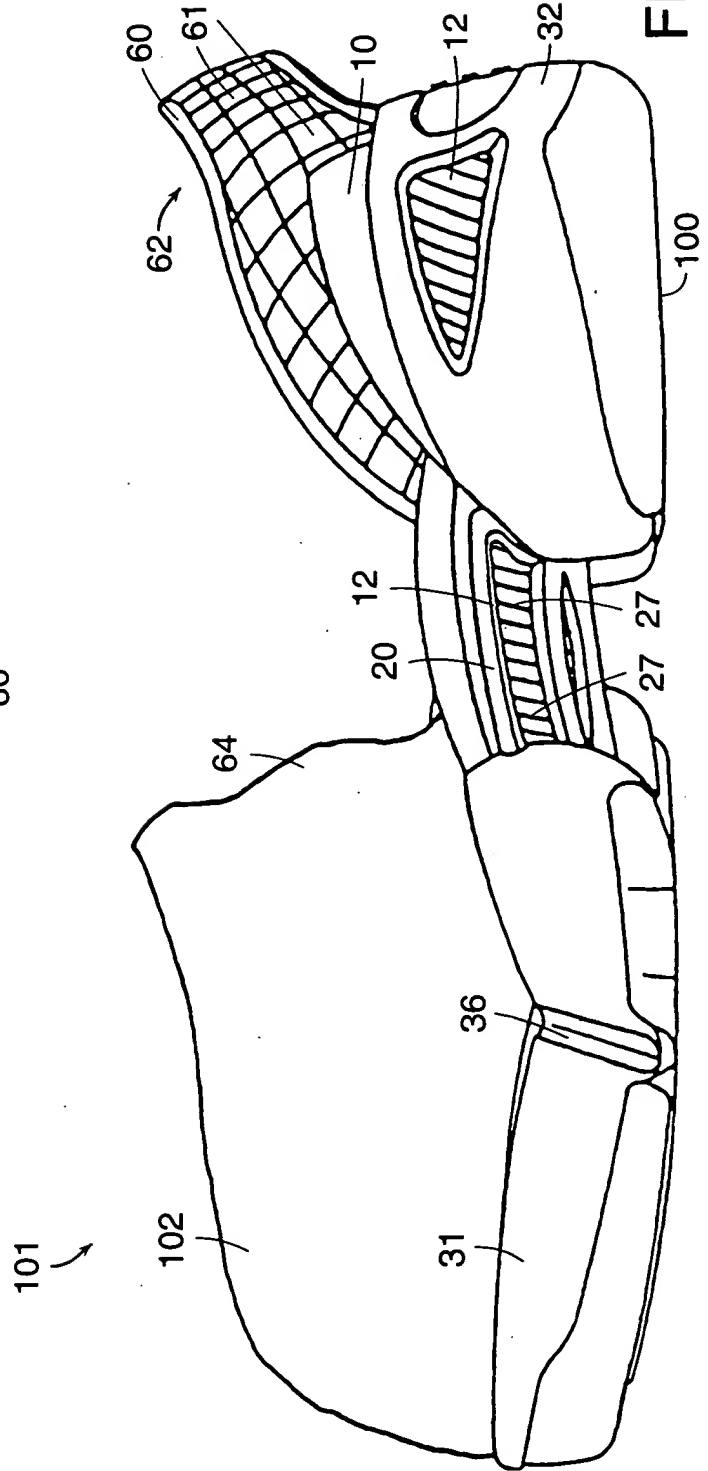


FIG. 10

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U.S. DEPARTMENT OF JUSTICE

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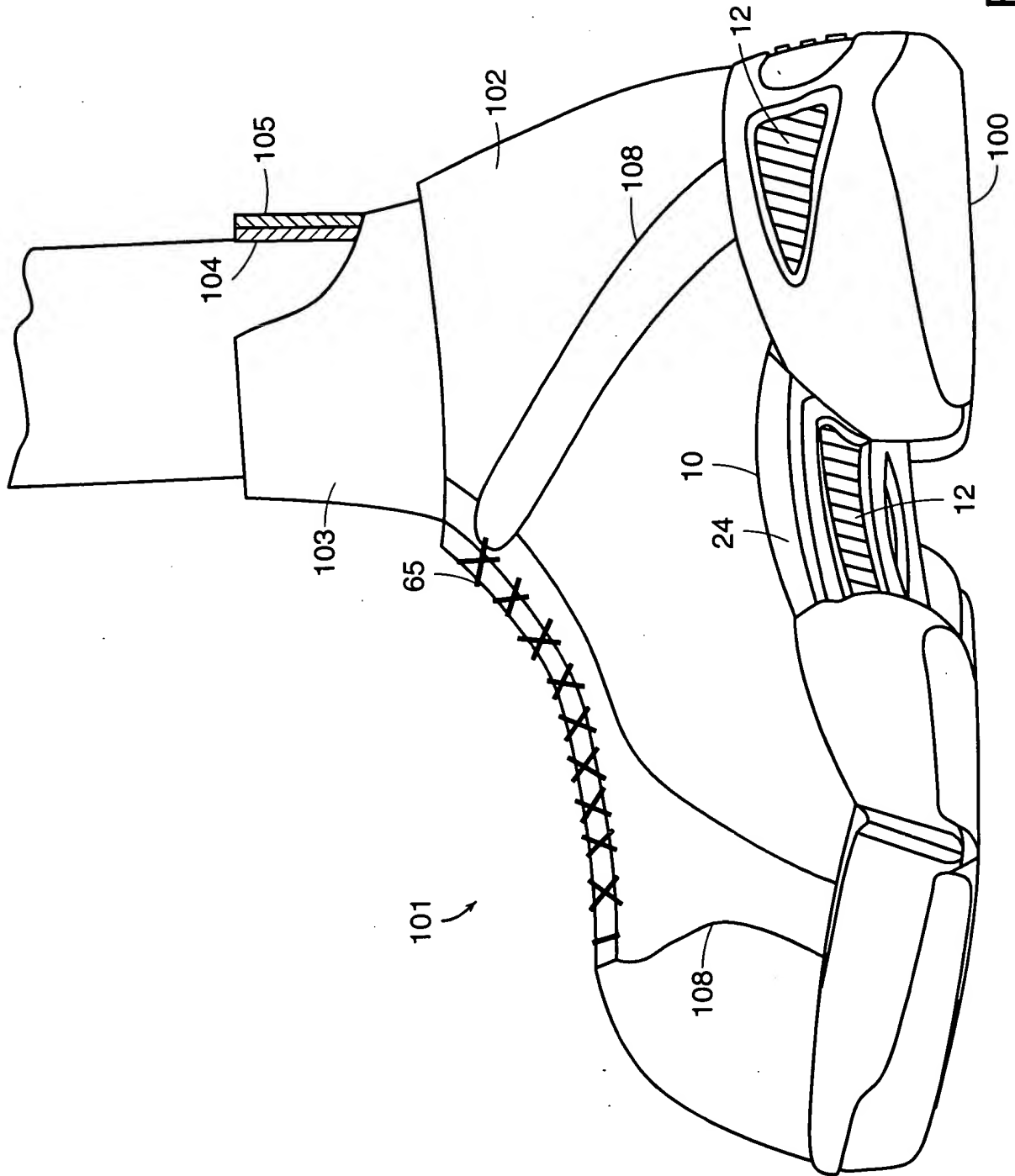


FIG. 11



SHOE WITH CLIMATE SOLE

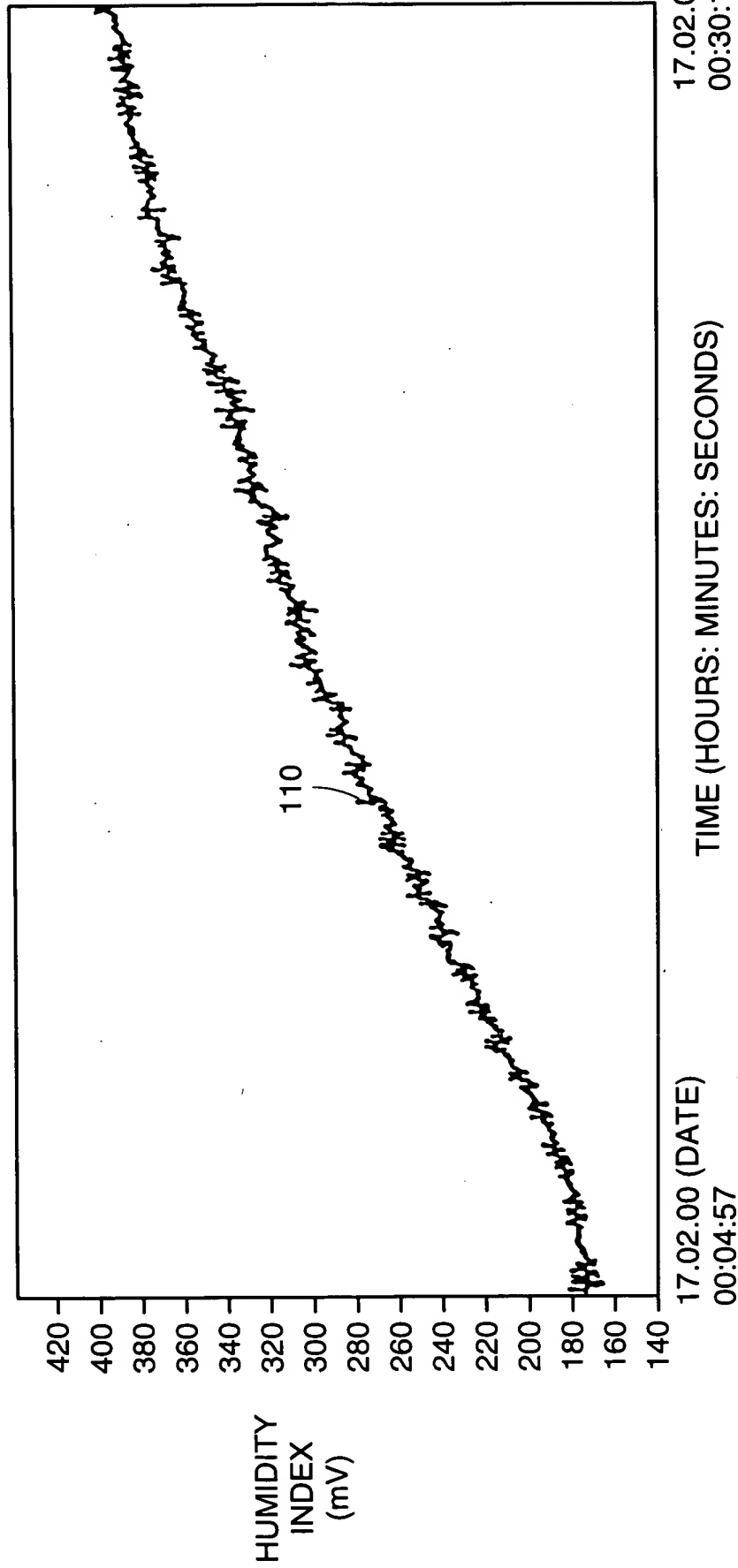


FIG. 12A



CONVENTIONAL SHOE

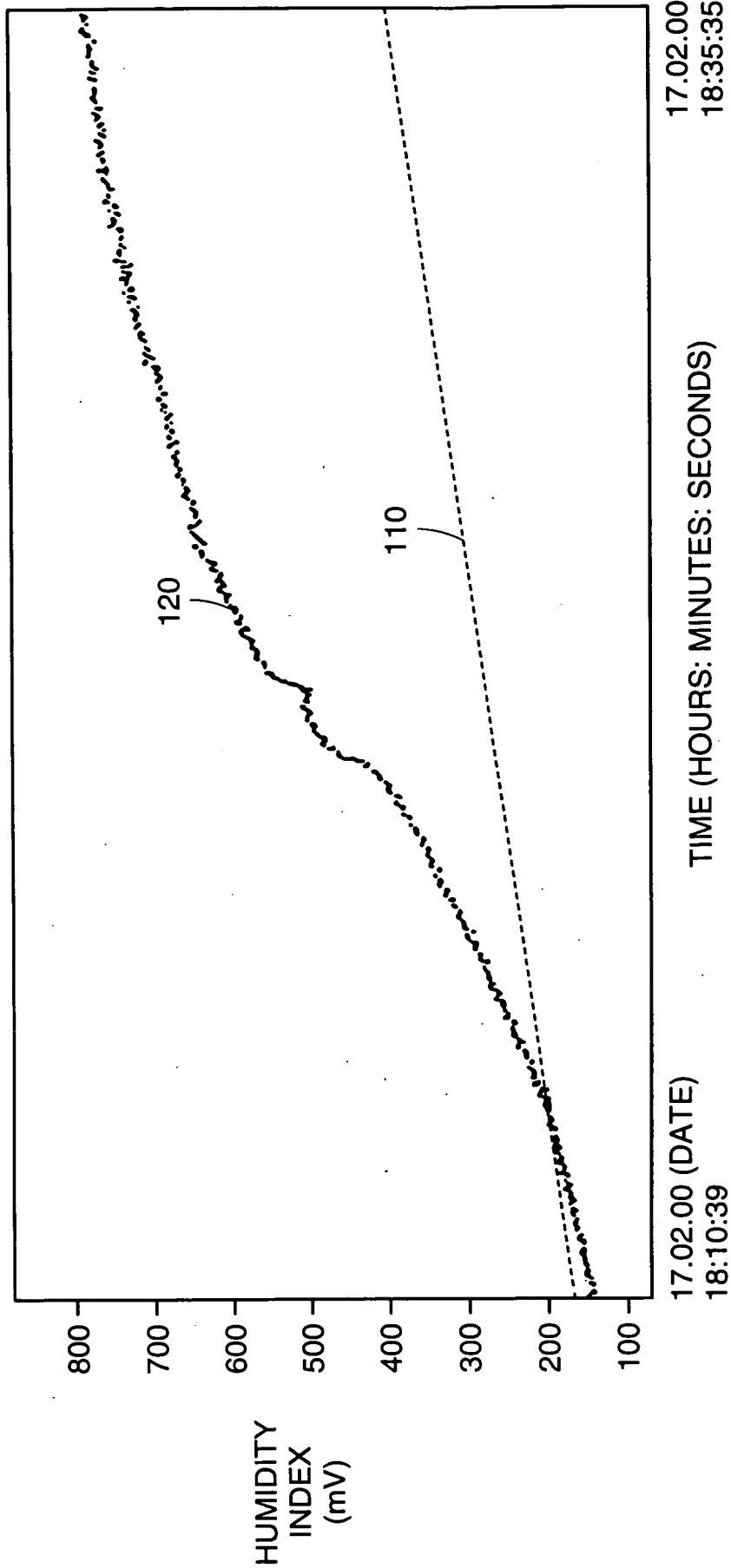


FIG. 12B